

PATENT APPLICATION
Serial Number: 09/960,532
Attorney Docket Number: SYN 1778

REMARKS

Applicant hereby submits this Amendment A responsive to the Non-final Office Action—Date Mailed: May 31, 2005, Paper No. 05102005, for which a response is due August 31, 2005 by a shortened statutory period for reply set to expire three [3] months from the mailing date of the Office Action.

Claims 1-45 were pending in the application. Claims 1-45 are rejected. Claims 1, 3, 5, 13, 17, 21, 37, 40 and 41 are hereby amended. Claims 2, 4, 22, 24-36, 38 and 39 are hereby canceled without prejudice. Claims 6-12, 14-16, 18-20, 23 and 42-45 are original. No new matter has been added. Reconsideration is respectfully requested.

Examiner states: "Claims 1-45 are rejected under 35 U.S.C. §112; first paragraph, as failing to comply with the enablement requirement. The claim(s) contain subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention."

Examiner states:

In reference to claims 1, 24, and 37

The specification does not adequately describe how controlling of the transport of SONET-structured data using a CTR differs from a conventional SONET transmission.

Transport of SONET data is inherently coordinated through a common system clock, i.e. GPS or Stratum-3, for maintaining "synchronous" communication. It is not clearly described how the application of CTR time frames would differ from the common system clock of a conventional SONET transmission.

In reference to claims 2-23, 25-36, and 38-45

Claims 2-23, 25-36 and 38-45 are rejected due to dependence from the parent claims.

By this Amendment A, Claims 1 and 37 have been amended, and Claims 1 and 37 are fully enabled by their own language as well as by the specification and are patentably distinguishable over all art of record. Claims 2, 4, 22, 24-36, 38 and 39 are hereby canceled without prejudice.

Thus, it is respectfully submitted that any and all rejections of Claims 1-45 under 35 U.S.C. §112; first paragraph, as failing to comply with the enablement, are hereby traversed and overcome.

PATENT APPLICATION
Serial Number: 09/960,532
Attorney Docket Number: SYN 1778

By this Amendment A, Claim 21 has been amended to be consistent with Examiner's interpretation. Thus, it is respectfully submitted that and all rejections under 35 U.S.C. §112; first paragraph, of Claim 21 is hereby traversed and overcome.

Claims 1, 2, 4, 22, 24-30, 32, 34, 37, 38 and 40 are rejected under 35 U.S.C. §102(b) as being anticipated by Davidson.

Claims 1 and 37 have been amended to clearly and patentably distinguish over all art of record. Davidson fails to teach, suggest or infer Applicants' claimed invention which maps non-byte interleaved lower-rate SONET sub-channels. Claims 2, 4, 22, 24-36, 38 and 39 are hereby canceled without prejudice. Thus, it is respectfully submitted that any and all rejections under 35 U.S.C. §102(b), as being anticipated by Davidson, of currently pending Claims 1, 37 and 40 are hereby traversed and overcome.

Claims 3, 31, 33 and 39 are rejected under 35 U.S.C. §103(a) as being unpatentable over Davidson.

Claim 3 has been amended and is dependent upon amended Claim 1. Claim 1 has been amended to clearly and patentably distinguish over all art of record. Davidson fails to teach, suggest or infer Applicants' claimed invention which maps non-byte interleaved lower-rate SONET sub-channels. Claims 2, 4, 22, 24-36, 38 and 39 are hereby canceled without prejudice. Thus, it is respectfully submitted that any and all rejections under 35 U.S.C. §103(a) as being unpatentable over Davidson, of currently pending Claim 3 is hereby traversed and overcome.

Claims 5-18 and 41-45 are rejected under 35 U.S.C. §103(a) as being unpatentable over Davidson in view of Noser (US 5,315,594).

Claims 1 and 37 have been amended to clearly and patentably distinguish over all art of record. Claims 5-18 depend from Claim 1. Claims 41-45 depend from Claim 37. Davidson, alone or in combination with Noser, fails to teach, suggest or infer Applicants' claimed invention which maps non-byte interleaved lower-rate SONET sub-channels. Thus, it is respectfully submitted that any and all rejections under 35 U.S.C. §103(a) as being unpatentable over Davidson in view of Noser, of currently pending Claims 5-18 and 41-45 are hereby traversed and overcome.

Claims 19-21 are rejected under 35 U.S.C. §103(a) as being unpatentable over Davidson in view of Noser, and in further view of Khacherian et al. (US 5,768,257).

PATENT APPLICATION
Serial Number: 09/960,532
Attorney Docket Number: SYN 1778

Claims 19-21 are ultimately dependent upon amended Claim 1. Claim 1 has been amended to clearly and patentably distinguish over all art of record. Davidson, alone or in combination with Noser and Khacherian et al., fails to teach, suggest or infer Applicants' claimed invention which maps non-byte interleaved lower-rate SONET sub-channels. Thus, it is respectfully submitted that any and all rejections under 35 U.S.C. §103(a) as being unpatentable over Davidson in view of Noser, and in further view of Khacherian et al., of currently pending Claims 19-21 are hereby traversed and overcome.

Claim 23 is rejected under 35 U.S.C. §103(a) as being unpatentable over Davidson in view of Noser, and in further view of Shiragaki et al. (US 6,115,517).

Claim 23 is ultimately dependent upon amended Claim 1. Claim 1 has been amended to clearly and patentably distinguish over all art of record. Davidson, alone or in combination with Noser and Shiragaki et al., fails to teach, suggest or infer Applicants' claimed invention which maps non-byte interleaved lower-rate SONET sub-channels. Thus, it is respectfully submitted that any and all rejections under under 35 U.S.C. §103(a) as being unpatentable over Davidson in view of Noser, and in further view of Shiragaki et al., of currently pending Claims 23 is hereby traversed and overcome.

Claims 35 and 36 are rejected under 35 U.S.C. §103(a) as being unpatentable over Davidson in view of Parruck et al. (US 5,142,529).

Claims 35 and 36 are hereby canceled without prejudice. Thus, rejections of Claims 35 and 36 are hereby moot, traversed and overcome.

The prior art made of record and not relied upon by Examiner has also been reviewed by Applicants. It is respectfully submitted that all pending claims are patentably distinguishable over all art of record, and that the prior art made of record and not relied upon by Examiner is not pertinent or material.

Applicants' claimed invention is patentably distinguishable over all art of record. Applicant's claimed invention provides (in its various claims) for control based upon a common time reference (e.g., phase and frequency synchronization) with pipeline forwarding with mapping of non-byte interleaved lower-rate SONET sub-channels. Applicants' invention is in contrast to Examiner's relied upon art of SONET/SDH which is based upon byte-by-byte interleaving or multiplexing of plurality of SONET/SDH channels with only accurate clock frequency (e.g., without phase synchronization).

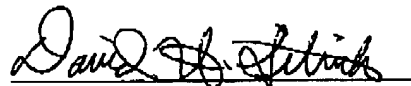
PATENT APPLICATION
Serial Number: 09/960,532
Attorney Docket Number: SYN 1778

It is, thus, respectfully submitted that all basis of objection and rejection have been traversed and overcome, and that all Claims are in proper form for allowance. Reconsideration is requested. No new matter has been added.

This response is accompanied by the appropriate Fee Transmittal authorizing the Director to charge any additional fees and credit any overpayments during the pendency of this application to Sitrick & Sitrick's Deposit Account Number: 501166. A fee for three [3] months extension of time is hereby due and paid via said Fee Transmittal.

The Examiner is invited to communicate directly with the undersigned if it would in any way facilitate the prosecution of this Application.

Respectfully submitted,



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